REMARKS

Claims 1-21 are pending in the above-identified application. By this Amendment, Applicants have amended claims 1-3, 5-12, 14-15, and 18-20. The amendments to the claims are supported by the application as originally filed, and do not introduce new matter.

Claims 1-3, 5-12, 14-15, and 18-20 have been amended to better define the subject matter of the invention. Particularly, claim 1 has been amended to refer to a computer system for delivering at least one message to a client regarding financial activity, which includes at least one computing device. Claim 1 has further been amended to refer to the various software systems associated with the at least one computing device, i.e., the registration system, message creation system, and intervention system, as programs. Claims 2-3, 5-12, and 14-15, which depend on claim 1, have similarly been amended. Claim 18 has been amended to refer to a computerized method for delivering a financial message to a client user in a financial communication system. Claim 18 has further been amended so that one of the steps of the method refers to providing a user interface that allows an internal user to add a personalized note to a client user message, and has also been amended to delete the step of delivering the message with the personalized note. Claims 19-20 have been similarly amended. Support for the amendments may be found at page 7, lines 9-24, of the pending application, which discusses the system as having one or more computing devices, such as a personal computer and/or a server computer; at page 8, lines 6-17, of the pending application, which provides that the relevant functionality of the present invention may be with a computer program loaded onto the computer system; and at page 6, line 10, of the pending application, which provides that the present invention is generally implemented in a computer implemented financial communication system.

Accordingly, entry of the amendments to claims 1-3, 5-12, 14-15, and 18-20 is respectfully requested.

Claim Rejections – 35 U.S.C. §101

At paragraph 2 of the Office Action, the Examiner rejected claims 1-16 and 18-21 under 35 U.S.C. §101, asserting that the claimed invention is directed to non-statutory subject matter. Particularly, the Examiner asserts that the invention is directed to an abstract idea, and not a computer program or a machine. Applicants respectfully disagree with the

Examiner in this respect. Claims 1-16 are presently drawn toward a computer system that includes various computer program components, each of which provides the claimed functionality. Claim 1, for instance, includes a message creation system program that monitors financial activity in a computing environment and creates messages regarding the financial activity as requested by the client. In this respect, the system derives information of interest to a client from what is typically a large amount of financial activity; this information is useful insofar as the information is provided in a streamlined, efficient manner that affords the user the ability to make intelligent, and preferably more profitable, business decisions much more easily. Further, claims 18-21 are drawn toward computerized methods for providing such client messages over a communication system/network. Applicants have amended claims 1-3, 5-12, 14-15, and 18-20 in an effort to clarify the subject matter of the invention in this respect. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 101 with regard to claims 1-16 and 18-21 are respectfully requested.

Claim Rejections – 35 U.S.C. § 102

At paragraph 4 of the Office Action, the Examiner rejected claims 1-21 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,554,418 (Toy). Applicants respectfully traverse the rejections, and assert that the claims pending in the present application, *i.e.*, claims 1-21, are patentable over Toy for at least the reasons stated below.

Toy relates to an information monitoring and notification system. See Abstract. Toy discusses monitoring a continuous stream of input data, and notifying users upon the occurrence of preselected events of interest. See col. 3, lines 24-27. Upon the occurrence of the preselected event of interest, the system initiates "an appropriate contact sequence" to notify the user of thereof. See col. 3, lines 46-50. "The contact sequence is designed to notify users directly in near real time" of the occurrence of the specified event. Col. 3, line 67 – col. 4, line 3; see, also, col. 4, lines 25-26. In this respect, the system will attempt to contact the user beginning with a primary contact address, followed by "alternative contact addresses contained within [a] hierarchical listing" in the event successful contact is not established with the user. See col. 4, lines 13-16. Once contact is made, the message is delivered to the user for "near instantaneous" notification. Col. 4, lines 33-38.

The Toy system may also include user contact verification for added security. See col. 4, lines 16-21. In this instance, the system requires that the user verify that contact with

the particular user has been established prior to message delivery. See *id.* If user verification is not established, the system may attempt repeatedly to contact the user at the primary or alternative contact address. See col. 4, lines 33-41. If contact is not established, the system may either terminate the attempt or reinitiate the contact sequence after a preselected delay period. See col. 4, lines 41-44.

In contrast, the present invention is drawn toward a computer system and method that allows an internal user, such as a financial advisor, to intervene in the process of delivering a financial message to a client user prior to the delivery of the message. Particularly, independent claim 1, and claims 2-16 dependent thereon, feature, among other things, an intervention system program that allows an internal user of the system, such as financial advisor, to add and/or edit content of a message created for a client user prior to delivery of the message to the client user. Independent claim 18, and claims 19-21 dependent thereon, feature the step of providing a user interface that allows an internal user of the system to add a personalized note prior to the delivery of the system-generated message. In this respect, an internal user of the present invention is allowed to intervene prior to message delivery, for example, in order to provide relevant proactive advice or to review the message for regulatory compliance.

Neither Toy nor any of the other references cited by the Examiner, either alone or in combination, discloses or otherwise suggests a system that provides such intervention functionality, as does the present invention. The Toy system is discussed solely as an automated system for generating user messages, that lacks any internal user functionality. As such, the Toy system does not disclose or suggest allowing an internal user of the system to alter the message from its computer-generated form. On the contrary, Toy teaches away from the internal user intervention functionality insofar as such functionality is contrary to Toy's stated objective to provide notice of the occurrence of an event of interest in near real time. See col. 3, line 67 – col. 4, line 3; see, also, col. 4, lines 25-26. Internal user intervention would necessarily limit the system's ability to deliver notice of the occurrence of an event of interest in near real time.

The Examiner asserts at paragraph 4 of the Office Action that Toy discloses a system and method for delivering financial messages to a client user regarding financial activity, wherein, with reference to Toy's verification step 141, the system and method include an intervention system configured to allow an internal user of the system to add or edit content

of a message to a client user prior to delivery. Applicants respectfully disagree with the Examiner. As noted above, the verification step is used in Toy to verify that the message is being delivered to the proper user for added security, and is not an intervention step as suggested by the Examiner.
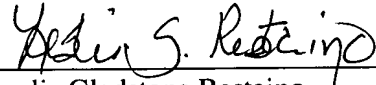
Independent claim 17 features a system that allows an internal user of a financial message delivery system, in addition to other things, to designate internal user message preferences, view internal user messages, reply to client user messages, create messages, and search for messages for a client user. Neither Toy nor any of the other references cited by the Examiner, either alone or in combination, discloses or otherwise suggests such a system. The Toy system is discussed solely as an automated system for generating user messages; it does not provide for any user generated messaging, and is completely devoid of any internal user functionality. Accordingly, Toy does not disclose or suggest any one of the internal user functions of claim 17. On the contrary, Toy similarly teaches away from the internal user functionality by following the current trend of fully automating information services, particularly in the financial area, which trend Toy documents in the Background section of the Toy patent. See Col. 1, lines 44-57 (citing Weinberg *et al.*, which provides a terminal for a user to directly access market data without the need to contact a broker, and Lee *et al.*, which provides a system for a user to obtain audio quotes without intervention by a broker).

The Examiner asserts that Toy discloses the internal user functions of claim 17, with reference to Toy's step 110 and 122. Applicants respectfully disagree with the Examiner. Toy's step 110 relates to obtaining <u>customer</u> specified conditions (see col. 5, line 16-17), and step 122 relates to checking if a security is within a <u>customer</u> specified list (see col. 8, lines 20-26). These are not internal user functions, as suggested by the Examiner.

The dependent claims are patentable for additional reasons. While deemed unnecessary to argue these additional reasons at this time, given the arguments presented above, Applicants reserve the right to present such arguments should it become necessary or desirable to do so.

For the above reasons, Applicants submit that their invention, as claimed, is patentable over the references cited by the Examiner. Accordingly, reconsideration and allowance of pending claims 1-21 is therefore respectfully solicited.

Respectfully submitted,

Leslie Gladstone Restaino,
Reg. No. 38,893
Attorney for Applicants
BROWN RAYSMAN MILLSTEIN
FELDER & STEINER LLP
163 Madison Avenue
P.O. Box 1989
Morristown, New Jersey 07962-1989
Telephone No. 973-775-8930
Facsimile No. 973-775-8901

10